

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

TROY A. CROMLEIGH,	:
Petitioner	:
	:
v.	: CIVIL NO. 3:CV-08-1349
	:
PA STATE ATTORNEY GENERAL,	: (Judge Kosik)
<u>et al.</u> ,	:
Respondents	:

ORDER

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

_____Troy A. Cromleigh, an inmate confined at the Perry County Prison, Pennsylvania, filed the above action on July 17, 2008. The document submitted is un-captioned and fails to identify any Defendants or Respondents. The document consists of a one (1) page narrative and numerous attached exhibits. In reviewing the document, the Clerk of Court opened the case as a habeas corpus petition filed pursuant to 28 U.S.C. § 2254, and listed the Pennsylvania Attorney General and the Perry County Prison as Respondents. In reviewing the submission, the court believes Cromleigh may actually intend to file a civil rights action pursuant to 42 U.S.C. §1983 in that he alleges that Kathy Morrow, who appears to be a Court of Common Pleas Judge in Perry County, has wrongly caused him to be placed in “the hole” at the Perry County Prison, and has interfered with his right to access the court. Specifically, he claims he is unable to prepare a writ due to his restricted housing placement. He also alleges that Morrow

stated in open court that she was going to have his records “fabricated and falsified.” He requests that the court “take [him] into custody or something.” The records attached to Cromleigh’s filing all pertain to his underlying Perry County conviction and the proceedings related thereto.

Thus, it is unclear what type of action Cromleigh seeks to pursue in this court. His filing is un-captioned, the type of action is not identified, no Defendants or Respondents are specified and the type of relief requested is uncertain. The court will not guess what type of action Cromleigh wishes to pursue. As such, this action will be dismissed without prejudice to Cromleigh to file a new action on an appropriate form identifying the type of action he wishes to bring, and the appropriate individuals against whom he seeks relief. The Clerk of Court will be directed to return Cromleigh’s filing to him along with a blank § 1983 civil rights form and a blank § 2254 habeas corpus petition.

ACCORDINGLY, THIS 31st DAY OF JULY, 2008, IT IS HEREBY ORDERED THAT:

1. The above action is **dismissed without prejudice**.
2. The Clerk of Court is directed to return Cromleigh’s filing to him along with a blank § 1983 civil rights form and a blank § 2254 habeas form.
3. The Clerk of Court is directed to close this case.

s/EDWIN M. KOSIK
United States District Judge